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Capital Punishment: A Selected Bibliography 1983 to 1985

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"ABA opposes capital punishment for persons under 18." American Bar Association Journal. 69 (December, 1983): 1925.
Questions constitutionality of retribution. Notes that deterrence is less effective for teenagers than adults.

"America's 14,000 Executions." American Bar Association. 71 (April, 1985): 53.
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Archer, Diane; Gartner, Rosemary; and Beittel, Marc. "Homicide and the death penalty: a cross-national test of a deterrence hypothesis." Journal of Criminal Law and Criminology. 74 (Fall, 1983): 991-1013.
In cross-national sample, abolition of death penalty results in decrease in homicide rates.

Bailey, William C. "Disaggregation in deterrence and death penalty research: the case of murder in Chicago." Journal of Criminal Law and Criminology. 74(Fall, 1983): 827-859.
Finds that justification for capital punishment as deterrent lacks empirical support. Suggests that net effect of executions in Chicago was to increase first degree murders.

Baldus, David C.; Pulaski, Charles; and Woodworth, George. "Comparative review of death sentences: an empirical study of the Georgia experience." Journal of Criminal Law and Criminology. 74 (Fall, 1983): 661-753.
Includes issues, methodology, and results for the 8th amendment.

Bartels, Robert. "Capital Punishment: the unexamined issue of special deterrence." Iowa Law Review. 68 (March, 1983): 601-607.
Examines the effect of the death penalty on recidivism. Concludes that death penalty is less important as aspecial deterrent than other societal phenomena.

Batey, Robert, and Marks, Thomas C., Jr. "Constitutional criminal procedure." Mercer Law Review. 35(Summer, 1984): 1139-1167.
Survey on 11th Circuit's issues of constitution criminal procedure focuses on capital punishment and police investigatory tactics.

Bedau, H.A. "Bentham's utilitarian critique of the death penalty." Journal of Criminal Law and Criminology. 74(Fall, 1983) : 1033-1065.

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Book Review.

Bedau, H.A. "Witness to a persecution: the death penalty and the Dawson Five." Black Law Journal. 8(Spring, 1983): 7-28.
Bedau provides expert testimony on death penalty in Dawson case only to have prosecution revoke death penalty.

Bishop, Thomas P., and Martin, Abby L. "Statutory aggravating circumstances and the death penalty: what lies beyond the threshold after Zant v. Stephens?" Mercer Law Review. 35(Summer, 1984): 1443-1468.
Traces development of procedural conflict in eighth amendment death penalty area. Includes analysis of cases and effects of death penalty procedure.

Bowers, William J. "The pervasiveness of arbitrariness and discrimination under Post-Furman capital statutes." Journal of Criminal Law and Criminology. 74(Fall, 1983): 1067-1100.
Shows arbitrariness and discrimination infiltrate all legal and extra legal influences in capital punishment situations.

Boyle, Kevin Charles; Davenport, D.L.; Osifchok,D.; and Shafer, L. "Automatic appeals from death sentences." Pepperdine Law Review. 11(December,1983); 238-239.

Braden, Katharine L. "The Supreme Court's subjective policy of death penalty limitation." Detroit College of Law Review. 1983(Fall, 1983): 965-983.
Concludes Supreme Court overstepped bounds of constitutional law in striking down death penalty imposed on Enmund.

Brown, Edmund G., Sr.; Alarcon, Arthur L.; and Cooper, Florence-Marie. "The death penalty: the Caryl Chessman case: irreversable error." San Fernando Valley Law Review. 11(Annual, 1983): 21-42.
Suggests that today the Court would unequivocally find punishment in Chessman case to be excessive and in violation of 8th and 14th Amendments.

Cahalan, William L. "Capital Punishment." Detroit College of Law Review. (Winter, 1983): 1095-1098.
Prosecutor argues against capital punishment for moral and pragmatic reasons. Argues for effective and certain law enforcement for less serious crimes.

"Capital punishment for minors : an eighth amendment analysis." Journal of Criminal Law and Criminology. 74(Winter, 1983): 1471-1517.

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Presents jury procedure for all cases where death penalty may be authorized. Reviews four recent Supreme Court cases that interpret the procedure.

Craft, John H. and Alarcon, Terry Q. "Death Penlty." Loyola Law Review. 29(Summer, 1983): 694-698.
Summarizes 1982-93 Fifth Circuit issues relative to the death penalty. Includes sustantive and procedural issues.

"The Death Penalty." American Bar Association Journal. 71(April, 1985): 38.
Debate between death penalty supporter Ernest van den Haag and ACLU's Henry Schwarzschild.

"The death penalty for juveniles : a constitutional alternative." Journal of Juvenile Law. 7(1983): 54-67.
Argues that society should be allowed to impose death penalty on juveniles.

Domozick, Daniel D. "Fact or Fiction: mitigating the death penalty in Ohio." Cleveland State Law Review. 32(Spring, 1983): 263-293.
Questions constitutionality of Ohio's new capital statute which increases the number of mitigating factors that sentencers may consider from three to seven.

Durdines, David. "Monty Lee Eddings v. Oklahoma." Journal of Juvenile Law. 7(Annual, 1983): 179-180.
Supreme Court finds that evidence of a youthful defendant's unhappy family history is relevant in mitigation of proposed capital punishment.

Ellsworth, Phoebe C.; Bukaty, R.M.; Cowan, C.L.; and Thompson, W.C. "The death-qualified jury and the defense of insanity." Law and Human Behavior. 8(June, 1984): 81-93.
Jurors excluded from capital cases due to opposition to the

death penalty are more likely to accept insanity defense in capital cases.

"Enmund v. Florida. 102 S.Ct. 3368." New England Journal on Criminal and Civil Confinement. 9(Winter, 1983): 291-307.

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Greenwald, Helene B. "Capital punishment for minors: an Eighth Amendment analysis." Journal of Criminal Law and Criminology. 74(Winter, 1983): 1471-1517.

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Chronological review of the delay in death penalty case of Jimmy Lee Gray.

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Haney, Craig. "Epilogue: evolving standards and the capital jury." Law and Human Behavior. 8(June, 1984): 153-158.
Suggests that death qualification process may be constitutionally cruel.

Haney, Craig." Examining death qualification: further analysis of the process effect." Law and Human Behavior. 8(June, 1984): 133-151.
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Ita, Timothy A. "Habeas corpus - expedited appellate review of habeas corpus petitions brought by death-sentenced state prisoners." Journal of Criminal Law and Criminology. 74 (Winter, 1983) : 1404-1424.

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1984): 115-120.
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Morrow, Virginia Gayle. "Criminal procedure - North Carolina's capital sentencing procedure: the struggle for an acceptable jury instruction." North Carolina Law Review. 62(April, 1984): 833-85.
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Neapolitan, Jerry. "Support for and opposition to capital punishment : some associated social-psychological factors." Criminal Justice and Behavior. 10(June, 1983): 195-208.
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Olmstead, Judith. "Constitutional law - Eighth Amendment - capital punishment - proportionality review - In the first case to be decided under the 1978 death penalty bill the Pennsylvania Supreme Court held that the death penalty statute does not violate the federal or state constitutions." Duquesne Law Review. 22(Winter, 1984): 567-587.

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Examines Enmund v. Florida decision. Concludes that Supreme Court humanely chose not to allow imposition of death penalty for one playing minor role in homicide.

"Senate crime bills have something for everyone." American Bar Association Journal. 70(May, 1984): 44.
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Notes arguments and decisions on several death penalty issues. Includes state by state list of number of death row inmates and executions since 1977.

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"Stay of execution should be automatic on appeal." American Bar Association Journal. 69(June, 1983): 848.
Includes excerpts from ABA amicus curiae brief.

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Concludes that state should bear the burden of proving beyond a reasonable doubt that aggravating circumstances outweigh mitigating circumstances in capital crimes.

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Van den Haag, Ernest with Schwarzschild, Henry. "The Death Penalty." American Bar Association Journal. 71(April,1985): 38.
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Violette, MaryAnn. "The felony murder rule and the death penalty: Enmund v Florida - overreaching by the Supreme Court." New England Law Review. 19(Winter, 1984): 255-283.

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Young, Rowland, L. "Guidelines issued for death sentence review." American Bar Association Journal. 69(October, 1983): 1532(3).
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Young, Rowland L. "Proportionality review not needed in death cases." American Bar Association Journal. 70(April, 1984): 110.
Court holds that state appellate courts are not required to compare death sentences before affirming a particular death sentence.